UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,263	08/28/2001	Dmitriy V. Yepishin	CLICP019	6275

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EXAMINER
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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
Office Action Summary	09/942,263	YEPISHIN ET AL.	
	Examiner	Art Unit	
	Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 June 2002</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>20020604</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

Claims 1-26 are pending in this Office Action.

Information Disclosure Statement

The information disclosure statement filed on 6/4/2002 has been considered.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11, 12, 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 11, 21 and 24; the applicant claims a computer program product for recognizing a state but does not teach the hardware in which the code runs on.

In claim 12, 22 and 25; the applicant claims a system for recognizing a state. These software modules need hardware embodiment.

In claim 23, applicant claims the method of recognizing a state but gives no hardware or software embodiment leaving only the functions of the method claimed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1, 4, 9, 11, 12, 13, 19, 21, 22, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11-13, 21-22, 26 recites the limitation "the output structure definition." This limitation is placed in the (c) limitation of the claims. There is insufficient

antecedent basis for this limitation. The limitation before claims the output structure description.

Claim 4 recites the limitation "the remote output." There is insufficient antecedent basis for this limitation.

Claims 9, 19 recite the limitation "the output structure." There is insufficient antecedent basis for the claim. The examiner cannot determine if it is description or definition.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,072,483 by Rosin et al.

Regarding claim 1, a method for recognizing a state based on a current output, comprising:

(a) retrieving current output from a remote application utilizing a network (Rosin: col. 2, lines 47-51), the current output corresponding to a state of the application (Rosin: col. 1, lines 37-46; fetching, displaying of a file or link);

(b) generating an output structure description of the state (Rosin: col. 1, lines 37-44; html is a structured document);

(c) comparing the output structure definition to a pre-defined state definition of a recorded state (Rosin: col. 6, lines 50- col. 7, line 6); and

(d) determining whether the state of the remote application corresponds to the recorded state based on the comparison (Rosin: col. 13, lines 22-33).

Regarding claim 2, the method as recited in claim 1, wherein the output structure definition includes at least one of: a number of windows presented in the state, a number of frames in each window, a nesting structure of the frames, and a nesting structure of the windows (Rosin: col. 7, lines 7-16; template with html).

Regarding claim 3, the method as recited in claim 1, wherein the recorded state is part of a pattern pre-recorded by a user (Rosin: col. 3, lines 15-18).

Regarding claim 4, the method as recited in claim 1, further comprising recognizing content of the remote output based on recorded content properties (Rosin: col. 13, lines 22-33).

Regarding claim 5, the method as recited in claim 4, wherein the recognized content is utilized for recognizing the state based at least in part on a weighted average of content recognition and content importance (Rosin: col. 6, lines 18-49; col. 12, lines 35-65).

Regarding claim 6, the method as recited in claim 4, wherein the content is at least one document (Rosin: col. 1, line 39; html document).

Regarding claim 7, the method as recited in claim 4, wherein the content is at least one content item of a document (Rosin: col. 1, lines 37-40; graphics, text).

Regarding claim 8, the method as recited in claim 1, further comprising returning predefined information about the state if the state corresponds to the recorded state (Rosin: col. 12, lines 18-34; email or browsing), the predefined information being for allowing extraction of data from the remote application (Rosin: col. 12, lines 18-34; user authenticated).

Regarding claim 9, the method as recited in claim 1, wherein multiple state definitions are compared to the output structure, wherein each of the definitions has a weighting

based on a probability that the state definition occurs when in another state, wherein the output structure is compared to the state definition having the highest probability of matching the state of the remote application (Rosin: col. 12, lines 35-65; col. 6, lines 18-37).

Regarding claim 10, the method as recited in claim 9, wherein the weighting is based on a state resulting from execution of a prior action (Rosin: col. 12, lines 47-51).

While the examiner notes the difference between a method, computer program product, and a system; the examiner equates these limitations to the code, functions of the code, and hardware in which the invention runs. Therefore claims 11 and 12 are rejected under the same basis as claim 1 and so as indicated in the table below where the claim limitations are similar.

1	11	12
2		14
3		
4		
5		16
6		17
7		18
8		15
9		19
10		20
13	21	22
23	24	25
		13
		26

Regarding claim 13, a method for recognizing a state based on a current output, comprising:

(a) retrieving current output from a remote application utilizing a network (Rosin: col. 2, lines 47-51), the current output corresponding to a state of the application (Rosin: col. 1, lines 37-46; fetching, displaying of a file or link);

(b) generating an output structure description of the state, the output structure description including a structure of the output (Rosin: col. 1, lines 37-44; html is a structured document);

(c) comparing the output structure definition to a pre-defined state definition of a recorded state (Rosin: col. 6, lines 50- col. 7, line 6), wherein the recorded state is part of a pattern pre-recorded by a user (Rosin: col. 3, lines 15-18);

(d) recognizing content of the remote output based on recorded properties (Rosin: col. 13, lines 22-33); and

(e) determining whether the state of the remote application corresponds to the recorded state based on the comparison and the recognized content (Rosin: col. 13, lines 22-33).

Regarding claim 23, a method for recognizing a state of a remote application utilizing individual document recognition, comprising:

    (a) receiving a plurality of documents (Rosin: col. 5, lines 52-57);

    (b) attempting to recognize each of the documents as being associated with a predetermined state of a transaction pattern (Rosin: col. 6, lines 50-58); and

    (c) identifying the state of the remote application based on the recognition of the documents (Rosin: col. 13, lines 22-33; col. 12, line 35-56).

Regarding claim 26, a method for recognizing a state based on a current output, comprising:

(a) retrieving current output from a remote application utilizing a network (Rosin: col. 2, lines 47-51), the current output corresponding to a state of the application (Rosin: col. 1, lines 37-46; fetching, displaying of a file or link);

(b) generating an output structure description of the state (Rosin: col. 1, lines 37-44; html is a structured document);

(c) wherein the output structure definition includes at least one of: a number of windows presented in the state, a number of frames in each window, a nesting structure of the frames, and a nesting structure of the windows (Rosin: col. 7, lines 7-16; template with html);

(d) comparing the output structure definition to multiple pre-defined state definitions of a recorded state (Rosin: col. 12, lines 35-65; col. 6, lines 18-37);

(e) wherein the recorded state is part of a pattern pre-recorded by a user (Rosin: col. 3, lines 15-18);

(f) wherein each of the definitions has a weighting based on a probability that the state definition occurs when in another state (Rosin: col. 12, lines 35-65);

(g) wherein the weighting is based on a state resulting from execution of a prior action (Rosin: col. 12, lines 35-65);

(h) wherein the output structure is compared to the state definition having the highest probability of matching the state of the remote application (Rosin: col. 12, lines 35-65; col. 7, lines 7-20);

(i) recognizing a document of the remote output based on recorded properties (Rosin: col. 13, lines 22-33);

(j) determining whether the state of the remote application corresponds to the recorded state based on the comparison and the document recognition (Rosin: col. 6, lines 18-49; col. 12, lines 35-65);

(k) wherein the recognized content is utilized for recognizing the state of the remote application based at least in part on a weighted average of document recognition accuracy and document importance (Rosin: col. 12, lines 35-65; col. 6, lines 18-37); and

(l) returning predefined information about the state of the remote application if the state corresponds to the recorded state (Rosin: col. 12, lines 18-34; email or browsing), the predefined information being for allowing extraction of data from the remote application (Rosin: col. 12, lines 18-34; user authenticated).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart
Examiner
Art Unit 2155

brb
November 23, 2004

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER